

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF NORTH CAROLINA  
WINSTON-SALEM DIVISION

KIM NAUGLE and AFRIKA  
WILLIAMS, on behalf of themselves  
and all others similarly situated,

Plaintiffs,

v.

META PLATFORMS, INC.,

-and-

DUKE UNIVERSITY HEALTH SYSTEM,  
INC., WAKEMED, and a Defendant Class  
of Facebook Partner Medical Providers,

Defendants.

Case No. 1:22-cv-00727-UA-JEP

JURY TRIAL DEMANDED

**PLAINTIFFS' AND META PLATFORMS, INC.'S JOINT MOTION TO SEVER AND  
TRANSFER CLAIMS AGAINST META PLATFORMS, INC. TO THE NORTHERN  
DISTRICT OF CALIFORNIA**

Plaintiffs Kim Naugle and Afrika Williams (“Plaintiffs”) and Defendant Meta Platforms, Inc. (“Meta”) hereby jointly move to sever and transfer Plaintiffs’ claims against Meta in the putative class action complaint (“Complaint”) (Dkt. 1) to the United States District Court for the Northern District of California. In support of their Joint Motion, Plaintiffs and Meta state as follows:

1. Plaintiffs filed the Complaint on September 1, 2022, bringing privacy-related claims against Meta and Defendants Duke University Health System, Inc. (“Duke”), WakeMed, and “a Defendant Class of Facebook Partner Medical Providers,” related to Duke, WakeMed, and the Facebook Partner Medical Providers’ alleged use of the Meta “Pixel” tool. (Dkt. 1 at ¶¶ 1-3, 10-11.)

2. Plaintiffs' claims against Meta include Breach of Contract (Count One), Breach of the Implied Covenant of Good Faith and Fair Dealing (Count Two), Intrusion Upon Seclusion (Count Three), violation of the Electronic Communications Privacy Act (Count Four), violation of the California Invasion of Privacy Act (Count Five), Negligent Misrepresentation (Count Six), and violation of California's Unfair Competition Law (Count Seven). (Dkt. 1.)

3. Plaintiff's Complaint is a putative class action with a nationwide class of "[a]ll Facebook users who are current or former patients of medical providers in the United States with web properties through which Facebook acquired patient communications relating to medical provider patient portals, appointments, phone calls, and communications associated with patient portal users, for which neither the medical provider nor Facebook obtained a HIPAA, or any other valid, consent." (Dkt. 1 at ¶ 97.)

4. Meta's deadline to respond to the Complaint is currently set for November 8, 2022. (Dkt. 3.) Meta has not yet filed any responsive pleadings.

5. Four other putative class actions against Meta have been filed in the Northern District of California (the "California actions"), including *Doe v. Meta Platforms, Inc.*, Case No. 3:22-cv-03580. (Goldman Decl., Exs. A–D.) A fifth case has been transferred from the Northern District of Illinois to the Northern District of California, and a sixth has been transferred from the Western District of Pennsylvania to the Northern District of California (Goldman Decl., Exs. E–F.); these two cases were related to *Doe v. Meta Platforms, Inc.*, Case No. 3:22-cv-03580. (Goldman Decl., Ex. H.) All six of these actions allege similar facts and events and bring similar claims to those that Plaintiffs allege in this action.

6. On October 12, 2022, the court in *Doe v. Meta Platforms, Inc.*, Case No. 22-cv-04680-WHO, in the Northern District of California granted a motion to consolidate the California actions into one case (“*In re Meta Pixel Healthcare Litigation*”). (Goldman Decl., Ex. G.)

7. *In re Meta Pixel Healthcare Litigation* involves a nationwide class that is substantially the same as the class definition Plaintiffs have set forth in this action. (See, e.g., Goldman Decl., Ex. C, ¶ 87 [defining a class of “[a]ll persons who communicated with, or submitted information to, a healthcare provider online on a website or application where the Meta Pixel was installed”].)

8. Counsel for Plaintiffs and counsel for Meta met and conferred regarding *In re Meta Pixel Healthcare Litigation* and its overlapping putative class with Plaintiffs’ putative class. Both parties agreed that it would conserve resources and promote judicial economy to sever and transfer Plaintiffs’ claims against Meta to the Northern District of California, where they can be streamlined as part of *In re Meta Pixel Healthcare Litigation*.<sup>1</sup> (Goldman Decl. ¶¶ 11-12.) See Fed. R. Civ. P. 19(a); *Ballentine v. Town of Coats*, 2012 WL 4471605, at \*3 (E.D.N.C. Sept. 26, 2012) (“A court may sever the claims of parties . . . of its own accord”).

9. Counsel for Duke and WakeMed confirmed that neither Duke nor WakeMed oppose this Motion. (Goldman Decl. ¶ 13.)

10. Thus, Plaintiffs and Meta respectfully request that this Court enter an order severing Plaintiffs’ claims against Meta and transferring those claims to the Northern District of California for consolidation with *In re Meta Pixel Healthcare Litigation*, Case No. 22-cv-03580-WHO.

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<sup>1</sup> By filing this motion, Meta does not waive and expressly preserves any arguments regarding whether this Court has personal jurisdiction over it.

Dated: October 21, 2022

Respectfully submitted,

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***Attorneys for Defendant Meta Platforms,  
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**CERTIFICATE OF SERVICE**

I certify that on October 21, 2022, I electronically filed the foregoing PLAINTIFFS' AND META PLATFORMS, INC.'S JOINT MOTION TO SEVER AND TRANSFER CLAIMS AGAINST META PLATFORMS, INC. TO THE NORTHERN DISTRICT OF CALIFORNIA with the Clerk of Court using the CM/ECF system, which automatically provides electronic notice to all counsel of record.

*/s/ Lauren R. Goldman* \_\_\_\_\_

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